

THE  
C A S E  
OF

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Mary Edmondson.

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By a GENTLEMAN of the L A W.

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*How long will you give wrong Judgment.*  
P S A L M LXXXII.

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L O N D O N :

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THE

# CLASS

OF

EDUCATION

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THE  
C A S E  
O F  
MARY EDMONDSON.

**A**S the Case of *Mary Edmondson*, who was executed on the 2d of *April*, 1759, at *Kennington Common*, for the Murder of her Aunt *Mrs. Susannah Walker*, engrosses the general Conversation, it may be no disagreeable Task to communicate some Reflections upon so serious a Subject: And as the Author does not reckon himself liable to Punishment for uttering the real Sentiments of his Heart, flowing from cool and mature

Deliberation ; and as he humbly thinks that the present Administration under the mildest and best of Kings will screen him from any Insult, so he shall speak with the greater Freedom and Candour.

*Mary Edmondson, of Caverley in Yorkshire*, a Girl of about Nineteen Years old, was far from being of that perverse and obstinate Disposition represented by her Enemies ; she was bred in a Country Place where were few or no Temptations to Debauchery or Extravagance, these Rocks upon which so many of the Female Sex split, especially in and about *London* and *Westminster* : She had Nothing to ruffle her natural Disposition ; she had no unjust Stepmother to inflame her Husband against his Child by Calumny, Slander and Misrepresentation ; she had no Half Brother to engross the whole Care of his Mother to her Prejudice, to revile and insult her at Pleasure, and even to scrimp her in her Meals, by giving her no Victuals but such as he could not digest, and such as were rendered loathsome by his handling of them ; she had Plenty of the Necessaries of Life, and a  
virtuous



virtuous Example to follow; her Parents were ready to encourage her in what was laudable, and to correct with Discretion the Foibles and Inadvertencies incident to Youth; these bore an extream good Character, and were remarkable for the Care they took of their Children.

About the latter End of *October* 1758, this unfortunate Girl came up to *London*, with an Intent to wait upon her Aunt Mrs. *Walker*, as a Companion: Her Parents had informed her of the Use her Aunt might be of, and that the longer she lived, always the better for her, as being a laborious Woman and in a settled Way of Business.

But whatever some may say of *Poll Edmondson's* Opinion with Regard to her Aunt, none I believe will dispute the Sentiments entertained by *Poll's* Parents about her; for had the Girl been of an impetuous Temper and Forwardness of Disposition, it was ill judged to send her up as Companion to a Woman, in the Preservation of whose Life they were all concerned, for she was daily  
 ministring

ministring to them of the Earnings of a laudable and honest Industry, of which her Death must deprive them.

Stamped with the deep Impressions of Duty and Interest inculcated by her Parents, she behaved toward her Aunt with all due Submission, and on every Occasion acted agreeably to her aged Friend: Nor was she ever observed to have any Variance with her; whence then could Rumours be propagated for executing the Memory of the Girl in every Tap-Room and Coffee-House thro' the Kingdom? after enduring the Severity of the Law at *Kennington Common* for a supposed Murder, the Circumstances of which I am to consider.

On *Friday* the 23d of *February* 1759, was Mrs. *Susannah Walker* murdered, a little before Eight o'Clock at Night; and for this Murder was *Mary Edmondson* executed, and her Character in every Point loaded with the bitterest Reproaches.

The Witnesses examined upon her Trial were the first to enter the House upon her  
own

own Alarm, for she called out Murder, Murder! On entering, they found the Aunt wallowing in Gore; and on narrowly searching the House, but particularly the Wash-House, which was disordered (like other Wash-houses) they found a bloody Apron, which determined one *J. Holloway* to charge the Girl with the Murder, and to secure her in a Neighbour's House, where two Women lay by her, that she might not escape.

All this Time no Remorse appeared for Guilt contracted; no Uneasiness but what arose from the Fate of her Friend; nor were any Signs of Fear and Anxiety these inseparable Companions of a wounded Spirit: Certainly, *Poll Edmondson* must have been as much inured to Blood as some the Butchers in *Leadenhall Market* if she was guilty, and yet continued unconcerned and unmoved; she preserved the same Serenity before the *Coroner's Inquest*, her Narration was uniform and consistent; the Terrors of Imprisonment could draw nothing from her; and the same Coolness attended her at her Trial, when arraigned upon

upon the heavy Accusation and Indictment ;  
 which, after the ordinary Preamble charges  
 the Prisoner with “ Wilfully, and of her  
 “ Malice aforethought, making an Assault,  
 “ and with a certain Knife of the Value of  
 “ one Penny, which she then had and held  
 “ in her Right Hand, on the Throat of  
 “ *Susannah Walker*, near the Jaw Bone,  
 “ did give one mortal Wound, of the  
 “ Breadth of three Inches, and the Depth  
 “ of five Inches, of which Wound she,  
 “ the said *Susannah*, instantly died.”

To prove this Indictment twelve Witnesses were produced by the Council for the Crown, and tho’ none of them have sworn against the Sufferer in Terms of the Charge, as to *Malice aforethought*, to the Condition of the Knife of the Value of *One Penny*, much less to her “ holding it in her Right Hand,” yet as they swore to seeing a murdered Person, we shall examine what they severally have sworn to, and see how far their Depositions fix the Guilt upon *Poll*.

The first Witness is *Anne Toucher*, who depones that being at the House of *Susannah Walker*



on the 23d of *February*, about Half an Hour after Seven at Night, she saw the Sufferer scowering Candlesticks, and that she, at the Desire of her Aunt, crossed the Way with her the Witness; all which are Circumstances of Harmony and good Understanding between the Niece and her Aunt!

*Elizabeth Lawson* likewise swears the same Thing about the Candlesticks; and it is manifest from their joint Evidence, that she had been taken up with that Part of Household Work for two Hours; a Circumstance far from fixing on her the Crime of Murder, or of "Malice aforethought!"

*Ruth Tagg*, the Oyster-Woman, swears that the Sufferer opened the Door, that on the Step of it she called out Murder! that turning about, she repeated the Cry, MURDER! that she crossed the Way, and a third Time cryed MURDER! that she run into Mr. *Odell's* House, which right faces her Aunt's House, and twice called out MURDER; that she presently came out of the same House, and cried out MURDER!

MURDER!—Strange Cries from a Country Girl, if guilty of the Crime with which she was so loudly, and by repeated Cries, alarming the Neighbourhood!

Mrs. *Odell* confirms that Part of the Evidence, as to coming into her House and calling out Murder.

*Joseph Holloway* swore that she came into the *Noah's Ark* and called out Murder, and that some Body had killed her Aunt, that they found the murdered Person lying on her Right Side dead on the Ground Floor with her Throat cut, her Feet lay toward the Fire Side, and her Face toward a little Table which stood just by her, and on which there was some Linen.

It is hard to say of what Complexion Mr. *Holloway* is, perhaps he may be among those of a middling Genius, ready to conjecture, and as tenacious of his own Suggestions, as a Chairman of his Fare, a Waterman of his Freight, a Lawyer of his Fee, or a Court Lady of an Intrigue with a Prime Minister; however that is, he was  
the

the first to suspect her, and to examine her on the Subject, but she absolutely denied the Charge; and tho' the Examiner plainly told her, that he really believed her to be the Person who murdered her Aunt, yet she persevered in asserting her Innocence: And tho' the Consternation put her in such a Ferment as to lose a little Blood, yet no Alteration was produced in her Temper, for she adhered to what she formerly said.

The next Witness is *John Hiller*, who swears, that about a Quarter before Eight, the Sufferer came into the *Noah's Ark*, and that "her dear Aunt was murdered, and that she the Sufferer had made her Escape; that he found the Aunt lying with her Head within her Arm, and dead;" that her Face was much bruised near and upon the Sutures of her right Temple, "that there was a Cut on her upper Lip," and that "her Cap lay just by her upon the Floor, and seemed as if it had been dipped in a Tub of Blood."

The Evidence of this Witness, seems to be on the Side of the Prisoner; for by the

Testimony of this Gentleman, it seems she struggled and was overcome: Sure I am, the Niece was unable to conquer the Aunt, who in bodily Strength appeared her Superior; and the Girl was fatigued that Afternoon, with scowering Candlesticks?

As to the Nieces Cap being bloody in six or seven Places on the left Side, this might have happened while handling her Aunt, to see if it was possible to recover her, or the Blood might have proceeded from the Cuts which she herself received cross the Fingers: For my Part, I cannot figure in what Attitude the Niece was while murdering her Aunt; provided the left Side of her Cap had been stained from the Blood which gushed from the right Side of the Throat of the murdered Person, the Blood upon the Cap might have been occasioned by a thoughtless scratching the Head with bloody Fingers, a Thing which Butchers frequently do!

*John Warren* the next Witness, depones as little against her; he indeed opened the Door of the Copper, and from where the  
Firing



Firing was put in, pulled out a bloody Apron, and the former Witness kneeled down and pulled out from the Ashes-hole of the Copper, a Knife quite bloody up to the Handle: What Circumstance can be here for weakening her own Assertions? When Men commit the dreadful Act of Murder, we need not be surprized at extravagant Actions afterwards; nor is it very amazing, if a Country Girl had thrown the Things there, while stunned, confounded, and astonished at the sudden Catastrophe, which made Mrs. *Toucher*, a Woman of a fair Character, say, "For God's Sake, Mr. *Warren* go Home with me, or I shall drop down."

*Edward Jeffreys* the next Witness, deposes as to bringing over from the House of one Mrs. *Thomas*, an Apron belonging to the Sufferer, and which was besmeared with some of the Blood which had spouted from the Orifice of the Vein, when the Surgeon made the Incision; he further says, "that the Keys of the Drawers dropt out of the Petticoats of the murdered Person, but that none of them would open these  
 " Drawers,

“ Drawers, till some were borrow’d of a Neighbour.” And then happily for *Poll Edmondson*, “ Bills and Money were found in them to the Amount of 120 l. a Silver Tankard, and some other Things.” It seems the Girl has been honest, tho’ a Murderer; not to meddle either with Tankard, Bills, or with Money: And tho’ the after Suggestion, that a Quantity of Coals, with a Mop and Stone Bottle, were hid in that improper Repository the Necessary House, may strike at her Honesty, yet it cannot fix on her the Crime of Murder, otherwise more Girls than one two or three, thro’ *London*, and *Westminster*, might be charged also.

This Witness describes the Room to be about 12 Feet by 10, and the Wash-house, which joins to the Dwelling-house, without going into the Yard, to be equally small; he says there is a little Stone Yard, and two separate Gates, about 7 or 8 Feet high, between these Gates and an Alley, which last he says is narrow, and within two Feet of the Door. As proper a Passage as any in that Neighbourhood, for evil-minded Persons to steal through, if intending to commit Murder!

*Zechariah*

*Zechariah Johns* swears, that he took up the Floor of the Necessary House, where he saw a great many large Coals, a Mop almost new, and a Stone Bottle, which would hold about a Gallon and an half, and that he found under a Water Cask, the Watch which hung in the Room of *Mrs. Walker*, the Night she was murdered.

As it is hard to describe the different Methods which People have in laying Things from them, and that nothing is more common with a Laundress, than to secret her Watch in a safe Place, that it may receive no Hurt, while she is taken up with dirty Work, as *Mrs. Walker* sometimes was, so it would be fully as generous, to impute the Care taken of the Watch to the Aunt, as to the Niece, who in any Event, must only have been a Thief by Halves, since the Keys of the Drawers were safe about the Aunt's Person, and the Place where the Money and Silver Tankard lay, was untouched: How fortunate had it been for *Poll Edmondson*, if *Rebecca Sparrow*, the Woman who slept with her Aunt, had not been a Quaker, as she could have declared,  
that

that her Friend was accustomed to secret her Watch under the Cask, while washing in the Laundry, the Place where the Murder was perpetrated, and out of which she was dragged, or at least struggled into her own Room; she could likewise have told, that a Woman that Afternoon returned her that Apron which she formerly had borrow'd of her: And besides all this, Mistress *Rebecca*, must be a Woman of a remarkable fine Character, otherwise she might have shared a little of the Suspicion of secreting great pieces of Coals, a new Mop, and a Stone Bottle in that *proper* Receptacle the Necessary House?

*John Foljamb*, another Witness, swears nothing to be remarked on.

*Richard Chapman*, is indeed a little more particular, and swears that the Aunt was murdered, and that "there appeared to be the Dents of Teeth on the little Finger of her Left Hand, and a Scratch on her Right Hand,

Had



Had any Difference existed between the Aunt and Niece, the Dents of Teeth, as but *barely* conjectured by the Witness, might have raised a *bare* Suspicion, that the last was guilty ; but as the Conjecture does not go the Length of imagining it to be recently done, the Suspicion vanishes.

From this Witness it is plain, that Thieves or Murderers might get in by the Back Door, provided they could force their Way thro' two Gates ; " which, supposing they were locked, are so SLIGHT, that I believe they would break down with any Body !" And Mr. *Ingrwood*, the last Witness, proves the slightness of the Gates, nor does he say they were shut at the Time the Murder was committed, and this leads to

*The Prisoner's Defence.*

" On the 23d of *February*, in the Evening, my Aunt and I was at work in the Kitchen, and she said to me, *Molly*, when you have cleaned your Brasses you shall go and see your Sister. Mrs. *Toucher* came in to see my Aunt, and staid about a Quarter of an Hour. My Aunt bid me light Mrs. *Toucher* home, which I did. When I

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came

came back again, I shut the Street Door after me, and we went to Supper. My Aunt said she would let the Cat in at the Back Door ; presently after she went backwards, she called out to me, and I asked her if I should bring her the Candle ; and she answered me No ; I then sat down in a Chair by the Table, and four Men broke in upon her ; and a tall Man, in a white Frock, or a white Waistcoat, brought my Aunt out of the Wash-house by the Neck, [*The Prisoner here put both her Hands round her Neck to shew the Court in what Manner the Man had seized her*] and sat her in a Chair by the Fire-Side ; then three Men came following, and took hold of me, and asked me if I would die, or hold my Tongue. I said I would not speak ; the tall Man stood over me, while the other three Villains murdered my Aunt. When they had murdered my Aunt they went up Stairs ; and the tall Man took my Uncle's Watch, and I made my Escape out, and went and alarmed the People, and said they had murdered my Aunt ; then I went to the *Noah's Ark* Alehouse ; but how I got there or back again, I do not know, and this is all I know about it."

To

To sum up the Evidence in the very Words of the Judge, who tried her, cannot be expected from me, yet as his Lordship did not give his Sentiments upon the Subject, but left it to the Jury, it will be no *scandalum Magnatum* in me, if I differ in Opinion from them, on the following Considerations.

By the Law of *Moses*, which is by far the best upon Criminal Matters, no Person was to be deprived of his Life, merely from Circumstances; "by the Testimony of two Witnesses, a Man shall die, but by the Testimony of one Witness shall no Man be put to Death:" The Defects of a positive Evidence, may be supplied from Circumstances; that is, where there is only one Witness to swear positively, the Evidence of a second Witness may be supplied by a Circumstantial Proof; but *ex Circumstantiis meris ne quis laqueo suspendatur*; \* was a received opinion among the *Greeks*, and was adopted by the *Romans* afterwards: Circumstances will not fix a common Debt

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\* No Man is to be hanged upon Circumstances merely.

upon a Man, much less the dreadful Crime of Murder : And if the People of *England*, were so tenacious of the natural and personal Freedom of every Native in this Country, that they enacted in the *Magna Charta*, that no *Englishman* was to be taken up without a Complaint exhibited by some proper Person against him, it is reasonable to suppose, they would not incline, that the Life of any should be taken away without some positive Proof against the accused : To urge this a little farther, as the Life of every Man is precious, in Consideration of his being formed after the Image of God ; so the greatest Tenderness ought to be used in every Trial, where Life is concerned. Better twenty guilty Persons should go free, than one innocent Person should suffer, ought to be the Opinion of every Man who tries a Cause ; and to declare Probability to be Proof, is contrary to the very common Rules of Logic, and is frequently attended with the most fatal Consequences, and involves in the heavy Guilt of Bloodshed.

It is pretty evident to me, that *Mary Edmondson* ought to have been acquitted,



as the Circumstances were at the utmost only probable against her; and the Circumstances in her Favour, if adverted to, are equally probable of her INNOCENCE; for none of the Witnesses so much as insinuate, that ever there was any Variance between her and her Aunt, or that the last so much as harboured the remotest Suspicion of her Niece's pilfering Coals, and some Trifles, such as a Mop and Stone Bottle. It is clear, that the House was accessible by the Back Door, as a narrow Alley leads into the Back-Part; and that the two Gates were so weak as to yield to the feeblest Effort.

The very Struggle which the Aunt made is a Circumstance in Favour of the Niece, who was no way capable of encountering such an Antagonist; and her Head leaning involved within her Arm, shews that the Wound must have been given by one stronger than herself. There is not one Circumstance in this Affair, but what, without any Strain, might have been constructed to the Advantage of the Sufferer, if managed by good Hands: Nor can I see what Circumstance could determine any Person to believe her Guilty, except the  
Passage

Passage into the Back Part of the House, which, from the Witnesses, appears only to have been secured by two weak Gates: The Blood upon her Apron has been accounted for, both from the Nature of the Hurt she herself received and from the Handling of her Aunt in her melancholy Situation; as hath the finding of the Knife and Apron in the Manner described by the Witnesses, who even vary in their Account of that Particular: It is strange, that no Blood was observed on the Sleeves of her Gown, or upon her Breast, if she had been Guilty!

The Girl's Sex is a Circumstance for believing her innocent; many Girls are of a bold and forward Disposition, and yet are far from being cruel, especially WITHOUT any Cause; these, again, who are most passionate, are frequently the most generous and tender hearted; the Timorous and Frightened are most ready to harbour the Passion of Resentment, and to be hurried down the Torrent of Revenge; in either Case, *Poll Edmondson* appears to have been innocent; if she was of a bold and resolute Temper, she cannot be supposed to attack her best Friend without a Cause; or it may  
be

be thought that her Passion would have subsided, after giving the first Wound upon the Lip, without proceeding to give so desperate a Wound as the Aunt afterwards received; if she was timorous, she cannot be supposed to have made an Assault upon one stronger than herself, and to have run the Hazard of being vanquished. And if of Forethought she intended to kill her Aunt, the Night-time was by far the most eligible Season for perpetrating the Barbarity, as *Rebecca Sparrow*, was not that Night to lie with *Mrs. Walker*: Nay the Wound itself was of such a Length, *viz.* "four Inches and an half long, and extended even to the Windpipe," that it is highly improbable, considering the Strength of the cerotid Arteries, that any but some *Leadenball* Butcher could have given it. Happy the Man, who like *Solomon*, considers Circumstances for saving a Life, but not for taking it away!

A Woman seldom uses such desperate Weapons as Knives, or Swords; the Spirit of an *Amazon* is not frequent among *English* Women, and the People of *Yorkshire* were ever remarkable for Hospitality,  
and

and good Nature ; the *English* Ladies have indeed been known to make use of Poison, without adverting to its Consequences, in Order to create a Lethargy in a Father, that he might not thwart his Daughter's Inclination to Intrigue, as was the Case of Miss *Blandy* about seven Years ago ; or they unite their Counsels with some Lover, in Order to destroy an Uncle, for having acted unnaturally by them, as was the Case of Miss *Jefferies*, about the same Time : The Motive of these two Ladies was plain, that of *Poll Edmondson* is a Mystery ; Miss *Blandy* had been crossed in her Inclination, and Miss *Jefferies* had been grossly abused by her Uncle, to whom she had bore an incestuous Child, before she was fourteen Years old, and which she had destroyed by his Direction : In a Word, nothing of Revenge or Resentment, can be charged upon *Poll Edmondson*.

These and other Arguments, might be urged in Defence of the Sufferer, who in her dying Moments denied the Fact in the most solemn Terms : And in my humble Opinion, every Person ought to be believed when on the Brink of Eternity. It is no  
new



new Thing in *England*, to see the Innocent suffer: Poor *Dick Coleman*, for the Murder of *Sarah Green*, is too recent and affecting an Example; the Judge who tried *Poll Edmondson*, knows the Assertion to be true: In a Word, the Circumstance of her Sex, added to the Simplicity of her Education, speak strongly for her, the Harmony between her Aunt and her, will admit of no Presumption for her being actuated by a Principle of Revenge: The Nature of the Wound was such as can scarce be thought to have been given by a Woman, the Posture in which the murdered Person was laying, shews her to have been murdered by none of her own Sex; the Time of Night in which the Act was committed, speaks for the Sufferer; as does the Manner by which she alarmed the Neighbourhood, crying out, "My DEAR AUNT is murdered," with the uniform Account she always gave of it, but above all the solemn Declaration made at her last and dying Moments, when importuned by a Relation, who got up into the Cart, that she would confess the Crime if she was Guilty. She said, "Cousin, I am not guilty of it, as  
 " I must appear before the Almighty  
 D " God

" God in a few Minutes ; and I go out of  
 " the World, as innocent of this Crime,  
 " as ever I came into the World when my  
 " Mother bore me ; I would not trifle at  
 " this Time, when I see Death before my  
 " Eyes. I lay no Blame on any one that  
 " has been the Cause of my coming to this  
 " shameful End. I hope God Almighty  
 " will forgive both them and me ; I die in  
 " Peace, and trust in my Saviour and  
 " Redeemer for Mercy and Forgiveness.  
 " And good People God bless you, pray  
 " for me."

If the Inhabitants of *Britain* and *Ireland*  
 were of the same Opinion with the Author,  
 that every Person, however profligate in his  
 Life-time, ought to be believed at his Death,  
 they certainly would contribute, every one  
 according to his Ability, that a Scheme  
 should be laid before the Parliament for  
 rendering the Laws more intelligible, and  
 for having them digested into a small Pocket  
 Volume, as the *Danes* have had for some  
 Time past, and as the *Prussians* have by  
 the Order and Assiduity of their King.

No Nation upon Earth has more Need  
 to have their Laws universally known than  
*England* ;

*England*; the Acts of Parliament are more numerous than to be found in *Europe* besides; and the tenth Part of these are not known, so that petty Attorneys impose upon the Illiterate, and the industrious Tradesman becomes a Prey to the Lawyer, who has nothing but a large Wig and Sword, with a long Nose and impudent Face to set him out. No Country groans under an heavier Load of Blood: Never did so many Martyrs die for the Laws and Liberties of a People, than have for the *English* Liberties and Laws: And in no Nation have more People gone to the Block and Gallows, denying their being guilty of the Crimes for which they were to suffer; and of late, the Number of these innocent Victims have increased; a plain Proof that either People are extremely obdurate, and believe no future State, or that the Laws are defective, and the Judges sometimes severe; to remedy which Evils is the Province of a Minister of State, and no way unworthy the dignified Clergy to take into Consideration, for the Ingenuity and Wit of Man cannot be more fitly employed, than in setting a Fence and Barrier about the Lives of his Fellow Subjects.

I know *Mary Edmondson* has been represented as three Months gone with Child at the Time she suffered; whereas, the Surgeons who anatomized her Body have solemnly declared, that, upon the strictest Examination, they could not discover the remotest Signs of Pregnancy about her.

**F E N I S.**





